

Zoning Hearing Board
Lower Saucon Township
Town Hall
March 16, 2015

MINUTES

The meeting was called to order at 7:00 p.m. by Chairman Jason Banonis.

Roll Call

Present at the meeting were Chairman Jason Banonis, Vice Chairman Lachlan Peeke, Secretary Keith Easley, and Board Member Jay Lazar. Board Member Austin Kunsman was absent. The Solicitor, George A. Heitzman, was present.

Reorganization

Chairman Banonis called for nominations for the coming year. Mr. Peeke moved to keep the same slate of officers, Solicitor, and meeting dates as last year. The motion was seconded by Mr. Lazar and passed by a vote of 4 to 0, resulting in the reappointment of Jason Banonis as Chairman, Lachlan Peeke as Vice Chairman, Keith Easley as Secretary, and George A. Heitzman as Solicitor for 2015, and also resulting in the designation of 7:00 p.m. on the third Monday of each month during which there is business to transact as the date and time for meetings of the Board, except for the month of August when the Board may meet on the fourth Monday, so as to permit Township Council to review applications during that month.

Minutes

The Board had before it for approval the minutes of the meeting of

December 15, 2014. Mr. Peeke moved to accept the minutes as submitted. The motion was seconded by Mr. Banonis and passed by a vote of 4 to 0.

Bills

The Board had before it for approval a bill from the Morning Call for advertising the meeting of December 15, 2014, the Court Reporter's bill for attendance at the meeting of December 15, 2014, and the Solicitor's invoice for the month of December, 2014. Mr. Peeke moved to pay the bills as submitted. The motion was seconded by Mr. Banonis and passed by a vote of 4 to 0.

Variance Appeal of John & Susan Blair - Variance 13-14

Chris Garges, the Zoning Officer, was sworn and testified that Applicant would like to reconstruct and enlarge an existing detached garage structure which will encroach into the required side and rear yard setbacks. The lot is located in a GB2 zoning district, is approximately 6,970 ft² in size, and is nonconforming with respect to the required lot size of 40,000 ft². The property comprises a residential use that contains a single family dwelling and driveway. The proposed accessory structure will not meet the 30' rear setback required by §180-77C, nor will it meet one of the 15' side yard setbacks required by §180-77B. Applicant is proposing a 6' setback on one side and a rear yard setback of 6'. The lot and building coverage are proposed to be in compliance with the zoning regulations.

Applicant will need approximately 9' of relief from the required side setback of 15', and approximately 24' of relief from the required rear setback of 30'.

The property was properly posted and advertised, and Township Council took no action.

Mr. Blair was sworn and testified that there are four properties that surround this property that are all in the general business district. He also testified

that he owns three of those properties. He said that shown on the plan are paper alleys. He also said that he believes that the proposed construction will improve and clean up the area.

There was no one in the audience who wished to be heard concerning the matter.

Mr. Easley moved, seconded by Mr. Banonis, to grant the requested variance. The motion passed by a vote of 4 to 0.

Variance Appeal of Timothy & Virginia Oskin - Variance 02-15

Chris Garges, having been previously sworn, testified that Applicant would like to construct a 575 ft² detached accessory structure at the above referenced parcel which will encroach into the required side yard setback. The lot is located in an RA zoning district, is approximately 3.2 acres in size, and is nonconforming with respect to the 200' required frontage, as the parcel currently has only 150'.

The property contains a single family dwelling (which does not meet current setbacks), a driveway, and an in-ground pool. The proposed accessory structure will not meet the side yard setback of 40' required by §180-23B. Applicant is proposing a 9' setback. Due to the topography, existing non-conformities, and the location of the septic field and of the pool, this parcel presents a unique circumstance for construction of an accessory structure. The existing lot coverage is well under the maximum allowable coverage of 20%. Applicant will need approximately 31' of relief from the side setback of 40' required by §180-23B.

The property was properly posted and advertised, and Township Council took no action.

Tim Oskin was sworn and testified that because of the unique nature of the property, including, for example, the placement of the septic field, there are no other areas where the structure could possibly be constructed.

There was no one in the audience who wished to be heard concerning the matter.

Mr. Easley moved, seconded by Mr. Banonis, to grant the requested variance. The motion passed by a vote of 4 to 0.

Variance Appeal of Jim & Jessica King - Variance 03-15

Chris Garges, having been previously sworn, testified that Applicant would like to construct an agricultural barn and pasture which will encroach into the required setback. The Applicant lives at and owns the adjoining parcel to the west, and would like to operate a small family farming operation. The parcel is located in an RA zoning district and is approximately 6 acres in size. The property currently contains an accessory structure. The proposed barn and fencing will not meet the 100' setback from the property lines required by §180-103.1A(2). Applicant is proposing a 55' setback for the barn, and is proposing to cross the parcel boundary with the fence. The existing lot coverage is well under the maximum allowable coverage of 20%. Applicant will need relief from §180-103.1A(2) to construct the barn and fencing.

The property was properly posted and advertised, and Township Council took no action.

Jessica King was sworn and testified. In response to a question from the Board as to whether the two parcels could be separated, she testified that they intend in the future to build a residence on the other parcel to provide living quarters for her in-laws, and as there cannot be two residences on one parcel, the parcels must remain separate.

There was no one in the audience who wished to be heard concerning the matter.

Mr. Peeke moved, seconded by Mr. Banonis, to grant the requested variance. The motion passed by a vote of 4 to 0.

Old Business

The Solicitor told the Board that the Green Gables matter had been argued before the en banc Commonwealth Court on March 11, 2015. This argument had been scheduled after regular argument made to a three-judge panel had occurred last year. The Solicitor declined to predict the outcome.

New Business

There was no new business.

Adjournment

There being no further business before the Board, Mr. Lazar moved, seconded by Mr. Easley, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 7:21 p.m.

Respectfully submitted,

George A. Heitzman
Solicitor